

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

This Document Relates To:

Ducote, 16-cv-3940-JNE- DTS
Cole, 17-cv-2166-JNE-DTS
Ashby, 17-cv-2554-JNE- DTS
Trewhella, 17-cv-3159-JNE-DTS
Cicccone, 17-cv-3629-JNE- DTS
Chapman, 17-cv-3850-JNE- DTS
Spear, 17-cv-4886-JNE- DTS
Ward, 17-cv-4893-JNE- DTS
Jennings, 18-cv-1485-JNE- DTS

**MEET AND CONFER STATEMENT
REGARDING DEFENDANTS'
FOURTH MOTION TO DISMISS
CASES FOR FAILURE TO
COMPLY WITH PRETRIAL
ORDER NO. 23 AND/OR
FED. R. CIV. P. 25(a) AND 41(b)**

The undersigned counsel for Defendants 3M Company and Arizant Healthcare Inc. (collectively "Defendants") certifies that counsel for Defendants met and conferred with counsel for Plaintiffs in the above-referenced matters as follows:

1. On October 29, 2018, Defendants' counsel sent individual emails to counsel for plaintiffs Trewhella, Jennings, Ducote, Ashby, Chapman, Spear, and Ward, requesting that they stipulate to a dismissal with prejudice of plaintiffs' actions and indicating that, if agreement was not reached, Defendants would file a motion to dismiss.

2. On October 30, 2018, counsel for plaintiffs Trewhella, Jennings, Spear, and Ward responded that while he cannot stipulate to a dismissal, he does not intend to oppose the motion to dismiss with prejudice. Defendants' counsel did not receive a response from counsel for plaintiffs Ducote or Chapman.

3. On November 1, 2018, counsel for plaintiff Ashby responded that he cannot stipulate to a dismissal but does not intend to oppose the motion to dismiss with prejudice.

4. On November 6, 2018, counsel for Defendants' counsel sent a meet and confer email to counsel for plaintiff Cole, attempting to reach a stipulation for dismissal. Defendants' counsel did not receive a response from counsel for plaintiff Cole.

5. Defendants have already opposed plaintiff Ciccone's motion to substitute based on the same defects that are the subject of this motion.

Counsel for Plaintiffs and Defendants were unable to reach an agreement to stipulate to dismiss with prejudice any of the above cases.

Dated: November 8, 2018

Respectfully submitted,

s/Benjamin W. Hulse

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